

## REMARKS

Applicants have previously submitted an Amendment and Response to the Office Action mailed July 13, 2005. However, due to an inadvertent error, it appears that an early and incompletely version of this Amendment and Response was filed with the PTO instead of the final one, one that did not include the arguments regarding the Section 103 rejection. Applicants sincerely apologize for this error and submit herein the arguments previously omitted. Applicants appreciate the opportunity to provide these arguments to the Examiner.

### **Claim Rejections – Section 103**

Claims **1 – 4, 6 – 10, 12 – 16 and 18 – 24** (and claim **34?**) stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,803,460 to Hesse (“Hesse” herein) in view of U.S. Patent No. 5,746,432 to Feola (“Feola” herein).

Claims **31 – 32** stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hesse in view of Feola and further in view of U.S. Patent No. 5,954,335 to Moody (“Moody” herein).

Claim **33** is rejected under 35 U.S.C. S103(a) as being unpatentable over U.S. Patent No. 5,800,268 to Molnick (“Molnick” herein) in view of Feola.

Independent claim 1 and dependent claims 2 – 4, 6 – 10, 12 – 16 and 18 – 24

Independent claim **1** (and thus dependent claims **2 – 4, 6 – 10, 12 – 16 and 18 – 24** by virtue of these claims being dependent from claim **1**) have

been amended herein the recite the following feature that is not taught or suggested by Hesse or Feola, alone or in combination:

*determining, based on the additional random outcome [that is statistically independent from said hand of blackjack played prior to said push], which of a plurality of possible winning amounts the player has won if the additional random outcome results in the player winning the hand of blackjack*

As disclosed, for example, in Fig. 3 and the specification at page 10, lines 5 – 8, page 7, line 19 – page 8, line 21, the additional random outcome that is used to determine whether the player has won a hand of blackjack that resulted in a push may be further used to determine which one winning amount of a plurality of possible winning amounts the player has won as a result of the hand. For example, if the random outcome is a first random number it may be determined that the player has won a first winning amount that is 200% of the player's wager amount while if the random outcome is a second random number it may be determined that the player has won a second winning amount that is 300% of the player's wager amount. This tiered structure of possible winning amounts adds an additional level of excitement to the game.

Neither Hesse nor Feola describe that it may not only be determined whether the player has won a hand that has resulted in a push but that the player may win one of a plurality of possible winning amounts as a result of the hand. Both Hesse and Feola describe a binary game method in which a player either wins or loses a hand and if the player wins there is only one

possible winning amount that is calculated based on the player's wager amount.

Independent claim 31 and dependent claim 32

Independent claim **31** (and dependent claim **32**, by virtue of this claim being dependent from claim **31**) has been amended to recite the following feature that is not taught by Hesse, Feola or Moody, alone or in combination:

*determining, based on the random number, which of a plurality of possible winning amounts the player has won if it is determined, based on the random number, that the player has won the first and second hands of the card game*

As argued with respect to claim **1** above, neither Hesse nor Feola describes this feature. Moody, likewise, does not describe this feature.

Independent claim 33

Independent claim **33** has been amended to recite the following feature that is not taught or suggested by Molnick or Feola, alone or in combination:

*transmitting, via a communication network and to a processing device located at a blackjack table at which the hand of blackjack resulted in a push, a random outcome in response to said receiving, the random outcome determining if the player has won the hand of blackjack*

As admitted by the Examiner (Current Office Action, page 12), Molnick does not teach or suggest a random outcome to determine whether a player has won a hand of blackjack that has resulted in a push. Accordingly, it logically follows that Molnick does not teach or suggest transmitting such a random outcome to a device located at a blackjack table.

Regarding Feola, the only mention of how a tie may be broken between two results (i.e., between the result of the wheel and the result of the cards) are the following: (i) by dealing one additional card (col. 2, lines 63 – 65); (ii) dice may be rolled (col. 4, lines 2 – 5). Neither of these methods involves a processing device located at a blackjack table at all, much less involves transmitting a random outcome from another source to such an electronic device located at the blackjack table, as is claimed.

#### Independent claim 34

Independent claim 34 has been amended to recite the following feature that is not taught or suggested by Hesse or Feola, alone or in combination:

*in response to said determining that the hand of blackjack has resulted in the push, initiating a random outcome generator of a processing device associated with a table at which the hand of blackjack is being played; and*

*receiving, from the processing device, an indication of a random outcome*

Neither Hesse nor Feola teach or suggest a processing device located at a blackjack table that includes a random outcome generator, which processing device may be initiated and receiving a random outcome from the processing device. As admitted by the Examiner (Current Office Action, page 7), Hesse does not teach or suggest generating a random outcome that is statistically independent of the hand of blackjack to determine if a player has won a hand of blackjack that has resulted in a push. Hesse further does not teach that such a statistically independent random outcome may be received from a processing device associated with a table at which the hand of blackjack is being played. The only mentions of how a winner of a tie or other indeterminate result may be determined in Hesse are the following: (i) based on the number of cards drawn (col. 3, lines 31 – 35; col. 5, lines 28 – 34; col. 8, lines 30 – 38)); (ii) drawing an additional card (col. 6, lines 9 – 13); and (iii) whether the dealer or player has drawn cards (col. 6, lines 24 – 32). None of these methods involve a processing device associated with a table at which a hand of blackjack is being played, much less receiving a statistically independent random outcome from such a processing device.

Regarding Feola, as described with respect to claim 33 above, the only descriptions of how a winner of a tie may be determined are based on the roll of dice or the dealing of an additional card. Again, neither of these methods involves a processing device associated with a table at which a hand of blackjack is being played.

New Dependent Claims 40 – 49

Each of dependent claims **40 – 49** is dependent from an independent claim that is patentable for the reasons set forth above. Accordingly, Applicants respectfully submit that each of claims **40 – 49** is patentable at least for the same reasons given for it's respective parent claim.

## C O N C L U S I O N

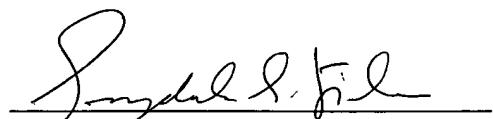
For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham, via the contact information provided below.

Applicants do not believe any fee (e.g., for an extension of time with which to respond to the Office Action) or petition for an extension of time is required at this time. However, if a fee should be necessary for the present Application at this time (or any time during the prosecution of the present Application), please charge any such required fee to our Deposit Account No. 50-0271. Please credit any overpayment to Deposit Account No. 50-0271. Further, if a petition for any extension of time should be required, please grant such petition as appropriate.

Respectfully submitted,

December 15, 2005  
Date

  
\_\_\_\_\_  
Magdalena M. Fincham  
Attorney for Applicants  
Registration No. 46,085  
mfincham@walkerdigital.com  
(203) 461-7041/ voice  
(203) 461-7300 / fax